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# **Defense Environmental Restoration Program Manual**

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# Agenda

Acquisition, Technology and Logistics

- Background
- Defense Environmental Restoration Program (DERP) Manual
- DERP Manual Revisions
- Interim DERP Eligibility Memo
- Benefits of Eligibility Criteria Updates
- Path Forward



# Background

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- DoD has a mature cleanup program
- DoD has been working diligently to clarify and consolidate current cleanup policies
- December 2008 - DoD issued a policy memorandum updating the DERP eligibility criteria
- DoD is continuing to work on finalizing its DERP Manual



# DERP Manual

Acquisition, Technology and Logistics

- DoD's overarching policy document for environmental restoration
  - Last formally released in 2001
  - Implements policy established in DoDD 4715.1E and DoDI 4715.7
  - Provides a single source of DoD environmental restoration policies and guidance
  - Ensures consistency across DoD Components
  - Streamlines and remove redundancy
- Complies with DoD issuance requirements
  - The format is different but includes the same information



# DERP Manual Revisions

Acquisition, Technology and Logistics

- Specifies Environmental Restoration Account as the sole source of funding
- Includes policy changes since 2001
  - DERP and DSMOA Eligibility Policies
  - Environmental Liability and Cost To Complete policy
  - Federal Facility Agreement (FFA)
  - Vapor Intrusion
  - Management of Bulk Fuel Spills
  - Third Party Sites
  - Clarified Administrative Record Keeping and Five-Year Review Requirements
  - Munitions Response Site Prioritization Protocol
  - Restoration Advisory Board (RAB) Rule



# DERP Manual Revisions (cont.)

Acquisition, Technology and Logistics

- Incorporates previously issued policies
  - Land Use Controls (LUCs) policy/guidance
  - Comeback Commitment
  - Natural Resource Injury
  - Lead-Based Paint Policy
  - Joint policies/guidances are referenced and retained
    - o DoD/EPA Joint Guidance on Streamlined Site Closeout
    - o DSMOA Cooperative Agreement Guide
    - o Intergovernmental Data Quality Task Force Uniform Federal Policy for Quality Assurance Project Plans
    - o DoD/EPA Interim Final Management Principles for Implementing Response Actions at Closed, Transferring, and Transferred Ranges



# DERP Manual Revisions (cont.)

Acquisition, Technology and Logistics

- Program goals
  - Adds Military Munitions Response Program (MMRP) goals for current sites
  - Updates Legacy BRAC goals
  - Develops BRAC 2005 goals and link to the Base Redevelopment and Realignment Manual (BRRM)
- Streamlines reporting requirements





# Interim DERP Eligibility Memo

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- DUSD(I&E), *Interim Policy for DERP Eligibility*, December 29, 2008 rescinded certain cutoff dates identified in the 2001 DERP Management Guidance and expanded eligibility for ERA funding
- Elements approved:
  - Eliminate IRP cutoff date
  - Eliminate MMRP cutoff date
  - Include costs of long-term management
  - MC migrating off operational ranges
- Deferred elements:
  - Buried Chemical Warfare Materiel
  - Sea Disposal Sites
- Elements excluded:
  - Closure activities at RCRA permitted facilities
  - Routine operation, management or maintenance, including operational range clearance and maintenance
  - NRC licensed material
  - Spill response activities
  - Explosives or munitions emergency responses
  - Responses at National Guard or State Military Properties
  - Removal of USTs/ASTs
  - Locations outside the US
  - USACE Civil Works activities
  - Asbestos and lead-based paint
  - Payment of fines, penalties, EPA oversight costs, and court judgments/settlements
  - Activities included under NALEMP



# Benefits of Eligibility Criteria Updates

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- Aligns the Department's cleanup activities with statutory requirements
- Increases transparency of cleanup efforts
  - Manages cleanups uniformly under one program
  - Improves budget control and reduced impacts to schedule
- Provides Installation Commanders greater flexibility and authority to consider mission requirements when sequencing cleanup work



# Path Forward

Acquisition, Technology and Logistics

- Initiated SD 106 Pre-coordination: April 13
- Provided draft DERP Manual (April 2009) to EPA and State and Territorial regulators via ASTSWMO
- Formal SD 106 Coordination
  - Component Review: May 15 – Jul 17
  - Comment Resolution: Jul 20 – Sep 18
- Pre-Signature: September 21
- DERP Manual estimated publication: October 30